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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE FOREST SERVICE
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

Permit

Forestry Operations Permit FOP 15002

The staff of the Maine Forest Service, after reviewing the application and supporting documents submitted by Wagner Forest management, Inc. for Bayroot, LLC for Forestry Operations Permit FOP 15002, finds the following facts:

1. Applicant: Bayroot, LLC
P.O. Box 121
Errol, NH 03579
2. Agent: Joe Lesnikoski
Wagner Forest Management
P.O. Box 121
Errol, NH 03579
3. Date of Completed Application: September 28, 2015
4. Location of Proposal: Grafton TWP, Oxford County
5. Zoning: (P-MA) Mountain Area Protection Subdistrict
6. Approximate Time Period of Operations: July, 2015 through October, 2016

Proposal

7. The applicant proposes to conduct a timber harvest operations on approximately 80 acres of a P-MA zone on the northwestern side of Mahoosuc Mountain.
8. This harvest in the P-MA subdistrict is part of an approved Category 3 clearcut harvest of 242 acres in which 80 acres of that Category 3 clearcut will be in a P-MA subdistrict.
9. This harvest will be visible from internal woods roads but, not from any public roads. The harvest is within 3,000 feet of the Appalachian Trail, but the trail is on the other side of the ridge and the harvest will not be visible to hikers.
10. The applicant proposes that all skid trails will be flagged in orange and skid trails will not exceed 20% slope. Tops and limbs will be placed in skid trails to keep rutting to a minimum and on completion will have water bars installed to meet Maine's Best Management Practices for Forestry.

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11. The applicant proposes that during the active harvest, if wet weather occurs, the operation will be ceased by direction of the forester and water bars will be installed where needed.
12. There will be no roads or yards constructed in the P-MA subdistrict.

Review Comments

13. State Soil Scientist: The biggest concern with harvesting operations in the PM-A zone has to do with soil saturation that leads to rutting, compaction and soil erosion. The potential for that to happen is greater in Cryic soils, found in the P-MA zone due to higher than normal accumulations of organic materials in the soil than for lower elevation soils. Organic matter accumulates at a higher rate in these soils due to cool temperatures in the summer, when biologic activity occurs. Due to the cool temperatures in the soil, biologic activity is reduced and organic matter decomposition is slower than for warmer temperature soils. Due to higher organic matter content (called thixotrophy), these soils hold on to more moisture than lower elevation soils and therefore are more subject to rutting, compaction and erosion than lower elevation soils. It is therefore important to limit harvest activities in the summer and fall to those periods when the soil is not saturated and soft and to avoid areas of wet and soft soil due to ground water (wet benches and wet slopes) unless they are stone covered or a lot of slash is used to provide support. I have walked several areas in the P-MA with Wagner to get a sense of the suitability of those soils to be degraded by harvesting activities but, I don't remember walking this one. I therefore do not know if and any sensitive (wet) areas may be found. I believe some of their staff (after accompanying me on other sites) do know how to identify these sensitive sites. I have no objections if the above conditions are identified and proper harvesting techniques are used to protect the soils.
14. MDIFW Fisheries, Region D: Silver Stream contains a wild, self-sustaining population of brook trout. Per the topographic map attached to the permit request, it shows that the harvest boundary will avoid the stream. However, the slopes of the surrounding terrain are exceedingly steep. Winter harvest is preferred. The applicant should identify any intermittent streams (with flagging) and leave a 75 foot vegetated buffer. The applicant should also monitor skidder trails to ensure that woody slash will be sufficient cover to prevent erosion. In situations where necessary, that is, where slash is insufficient to prevent erosion, BMP's in the form of properly spaced, mulched and seeded water bars should be installed.
15. Maine Natural Areas Program: According to our current information, the proposed clearcut is near to, but does not intersect with a mapped subalpine fir forest. MNAP has no concerns with the clearcut as planned. However, if the plans change and the harvest is modified upslope, please contact MNAP for further considerations and a possible site visit.

Findings

16. A field visit was conducted July 22, 2015. The field visit showed that the permit application was complete and accurate.
17. The mixed wood stands contain poor quality, low vigor stems that will not increase in value if retained. Many of the stems show evidence of repeated ice damage. The hardwood and softwood stands are generally mature and due to site conditions, would be highly susceptible to wind throw if partially harvested.

18. There will be no road and yard constructed in the P-MA subdistrict.
19. The harvest will be conducted using a tracked feller buncher and grapple skidders. The skidders will place tops and limbs in the trails to minimize rutting, compaction and soil erosion.

The information provided in the application, along with MFS inspections of the site conditions in the area to be harvested, demonstrate that the petitioner has met its burden of proof and satisfied the requirements of Chapter 27, Section 4.

Based upon the above proposal, the MFS concludes that if carried out in compliance with the conditions below, the proposal will meet the criteria for approval, 12 M.R.S. Section 685-A(1) of the Commission's Statutes and Maine Forest Service Rules Chapters 20 and 27.

Therefore, the MFS staff approves the application submitted by Wagner Forest Management, Inc., on behalf of Bayroot, LLC with the following conditions.

1. The harvest operation will be suspended during extended periods of wet weather to prevent rutting, compaction and soil erosion.
2. The harvesting operation shall be monitored when operating on steep slopes to ensure the use of slash in the trails is sufficient to prevent rutting, compaction and soil erosion. In areas where slash is insufficient to prevent rutting, compaction and erosion, mulched and seeded water bars shall be installed to meet Maine's Best Management Practices for Forestry.
3. The harvesting authorized in this permit may commence on the effective date of this permit and within the time outlined, July through October in section 6 above. If the harvest is not started and completed within the time period, the permit lapses and no harvesting may occur until a new permit is granted or an extension to existing permit has been granted by the MFS.
4. All harvesting activities be performed according to the standards in Chapter 27 Standards for Timber Harvesting and Timber Related Activities within Unorganized and Deorganized Areas of the State, section 4 as applicable.

If no person requests that the Maine Forest Service review the decision of the staff within 30 days of the date of this staff decision, this permit becomes final agency action subject to review of the Maine Administrative Procedure Act. Pursuant to 5 M.R.S. §§ 11001 *et seq.*, a person aggrieved by a MFS permit decision may appeal the MFS's final action to the Superior Court. As part of such an appeal, a person aggrieved may seek judicial review of the components of MFS's final action and permitting decision.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request the Maine Forest Service review its decision.

Done and Dated at Ashland, Maine, This 7rd Day of October, 2015

A handwritten signature in blue ink, appearing to read 'David Rochester', with a stylized flourish at the end.

David Rochester – LPF 3168
Regional Enforcement Coordinator
Maine Forest Service
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Ashland, Maine 04732